Veterans Affairs Canada

Annual Report on the Administration of the *Privacy Act*

April 1, 2011 – March 31, 2012

The Honourable Steven Blaney, MP
Minister of Veterans Affairs

Veterans Affairs Canada | Anciens Combattants Canada

Canada

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1. INTRODUCTION

The *Privacy Act* gives Canadian citizens and those present in Canada the right to access and request correction of personal information about themselves held by federal government institutions. The *Act* also outlines obligations related to the collection, retention, accuracy, use, disclosure and disposition of personal information.

This report describes how Veterans Affairs Canada (VAC) including the Office of the Veterans Ombudsman (OVO) fulfilled its responsibilities concerning the *Privacy Act* during the fiscal year beginning April 1, 2011, and ending March 31, 2012. Under section 72 of the *Privacy Act*, the Minister of VAC, as head of the institution, is required submit an annual report to Parliament on the administration of the *Act*.

Veterans Affairs Canada

Canada's development as an independent country with a unique identity stems in no small measure from its achievements in times of war. A good part of our modern identity is also associated with pride in Canada's enviable peacekeeping record. Canada's contribution to global peace and security, both as ally and peacekeeping partner, has come at a heavy price in terms of lives sacrificed, health forfeited and hopes unfulfilled. The Department exists to repay the nation's debt of gratitude toward those whose courageous efforts have given us this legacy, and have contributed to our growth as a nation.

Veterans Affairs Canada's mandate stems from laws, regulations, and Orders in Council. Among the more significant is the *Department of Veterans Affairs Act*, which charges the Minister of Veterans Affairs Canada with the following responsibilities:

> . . . the care, treatment, or re-establishment in civil life of any person who served in the Canadian Forces or merchant navy or in the naval, army or air forces or merchant navies of Her Majesty, of any person who has otherwise engaged in pursuits relating to war, and of any other person designated . . . and the care of the dependants or survivors of any person referred to . . .

Veterans Affairs Canada (VAC) provides services to a highly diverse clientele which reflects the remarkable breadth of Canada's contributions to world peace. This includes:

Veterans:

- Armed Forces and Merchant Navy Veterans who served during the World Wars or the Korean War;
- Former and, in certain cases, current members of the Canadian Forces, including those who served in Special Duty Areas and in peacekeeping; and
- Allied Veterans who lived in Canada prior to periods of war.

Other Clients:

- Certain civilians who are entitled to benefits because of their war time services;

- Former and, in certain cases, serving members of the Royal Canadian Mounted Police (RCMP); and
- Survivors and dependants of the foregoing groups.

In addition to serving these clients, VAC receives many requests for information from members of the public. Employees assist those who approach the Department with requests for information on our programs, services and activities. VAC joins with all Canadians in recognizing the sacrifices and achievements of those who have served in the cause of peace and freedom around the world over the years.

VAC remains strongly committed to upholding the principles of the *Privacy Act*, while providing a high level of service to those who serve.

The Office of the Veterans Ombudsman

The Office of the Veterans Ombudsman works to ensure stakeholders of the Office are treated with respect in accordance with the *Veterans Bill of Rights*, and receive the services and benefits that they require in a fair, timely and efficient manner.

The Office of the Veterans Ombudsman stands ready to help members of the Veterans community, serving members of the Canadian Forces and the RCMP, and other clients of Veterans Affairs Canada:

- Veterans of the Second World War and the Korean War
- Veterans of the Canadian Forces (Regular Force and Reservists)
- Serving members of the Canadian Forces
- Veterans of the RCMP
- Members of the RCMP
- Immediate family members and caregivers of any of the above-mentioned groups
- Survivors of Veterans of the First World War
- Former members of the Canadian Forces who did not complete basic training, and who have service-related medical conditions.

The Office addresses complaints, emerging and systemic issues related to programs and services provided or administered by Veterans Affairs Canada, as well as systemic issues related to the Veterans Review and Appeal Board.

The Office plays an important role in broadening awareness of the needs of Veterans and of the contributions they continue to make to Canadian society when they return to civilian life.

2. ACCESS TO INFORMATION AND PRIVACY COORDINATOR'S OFFICE

The Access to Information and Privacy (ATIP) Coordinator acts on behalf of the Minister of Veterans Affairs, the Deputy Minister and the Veterans Ombudsman to ensure that the Department's responsibilities under the *Access to Information Act* and the *Privacy Act* are met. To this end, the ATIP Coordinator is responsible for the development, coordination and implementation of effective policies, guidelines, systems and procedures related to ATIP. Such policies and procedures enable the appropriate processing and disclosure of information. In addition, the ATIP Coordinator is also responsible for ensuring that privacy principles related to the collection, retention, accuracy, use, disclosure and disposition of personal information are respected.

Prior to September 2011, the functions of the ATIP Coordinator at VAC were combined under the responsibilities of the Director of Information Management. Having these roles combined allowed the Department to take advantage of a center of expertise on information management, privacy and access to information. While this proved successful, the increased workload and management challenges in both IM and ATIP required that the roles be separated to strengthen focus on these areas. In September 2011, a new Director position was created to focus solely on the *Access to Information Act* and the *Privacy Act*. The ATIP Coordinator reports directly to the Assistant Deputy Minister, Human Resources and Corporate Services Branch.

The mandate of the ATIP Coordinator's Office within VAC is to administer the *Access to Information Act* and the *Privacy Act*, and to facilitate institutional compliance with legislative and central agency requirements. The main activities of the ATIP Coordinator's Office include:

- Processing requests for information submitted under the *Access to Information Act* and the *Privacy Act* in compliance with ATIP legislation, regulations and Treasury Board Secretariat (TBS) policies and guidelines;
- Developing policies, procedures and guidelines in support of Access to Information and Privacy legislation;
- Promoting awareness of both *Acts* within the Department to ensure that employees understand their roles and responsibilities;
- Monitoring departmental compliance with both Acts, and maintaining regulations and relevant procedures and policies;
- Preparing annual reports to Parliament and other statutory reports, as well as other material that may be required by central agencies;
- Completing and coordinating Privacy Impact Assessments (PIAs) and PIA Needs Determination Templates;
- Coordinating the resolution of any complaints against VAC made to the Information Commissioner under the *Access to Information Act* and to the Privacy Commissioner under the *Privacy Act;*
- Supporting the Department in meeting its commitments to openness and transparency through proactive disclosure of information and the release of information via informal avenues.

Processing of formal and informal requests is centralized within the ATIP Coordinator's Office in Charlottetown, Prince Edward Island. The Coordinator's Office consists of a Coordinator and a complement of 19 full-time employees that are divided into four teams. Two of the four teams, which account for a total of 13 ATIP Officers, are responsible for processing requests. A third team of three Senior Officers provides ATIP policy support and advice as well as ATIP training and awareness activities for the Department. The fourth and final team consists of one manager and three clerks that provide infrastructure support to the Coordinator and all teams. In addition to this core group, the Office of the Ombudsman has dedicated three employees part-time to *Access to Information Act* and *Privacy Act* activities.

The ATIP Coordinator's Office supports and maintains a network of 28 ATIP Liaison Officers in each major division and region of the Department: 20 liaison officers in the Charlottetown Head Office and 8 in the Regional Offices. The liaison officers are responsible for retrieving information from the Office of Primary Interest (OPI) when a request is received. Liaison officers are also responsible for identifying information which may qualify for an exemption under the Acts.

3. DESIGNATION ORDER

The responsibilities associated with the administration of the *Privacy Act*, such as notifying applicants of extensions and transferring requests to other institutions, are designated to the departmental ATIP Coordinator through a delegation instrument signed by the Minister of Veterans Affairs Canada.

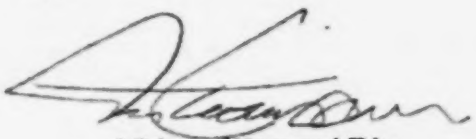
Over the course of the fiscal year 2011-2012, the Department completed a review of the ATIP delegation orders. The revised delegation orders are in place for fiscal year 2012-2013. It is expected that the revised delegation orders will permit greater coordination of all *Access to Information Act* (ATIA) and *Privacy Act* (PA) requests across the Department including the OVO.

The delegation that is presented below was in place for the duration of fiscal year 2011-2012.

***PRIVACY ACT* DESIGNATION ORDER**

The Minister of Veterans Affairs, pursuant to section 73 of the *Privacy Act*®, hereby designates the persons holding the positions in the Department of Veterans Affairs set out in the schedule attached hereto, to exercise the powers and perform the duties and functions of the Minister as the head of a government institution under the sections of the Act set out in the schedule opposite the positions.

Dated at Ottawa, this day of 2009



Minister of Veterans Affairs

Dated: May 26, 2009

4. *PRIVACY ACT* DESIGNATION SCHEDULE

HEAD OF THE INSTITUTION		MINISTER OF VETERANS AFFAIRS CANADA	
Sections of the *Privacy Act*	Powers, Duties or Functions	Institutions and Titles	
		VAC	
73	All powers, duties or functions of the head of the institution	Deputy Minister	
8(2)(*m*)	Disclose personal information without the consent of the person concerned, in the public interest or to benefit the individual	Deputy Minister	Veterans Ombudsman
20; 21	Approve exemptions	ADMs	Veterans Ombudsman
8(2)(*a*)(*b*) (*c*)(*d*)(*e*)(*f*) (*g*)(*h*)(*i*)(*j*) (*k*)(*l*)	Disclose personal information without the consent of the person concerned; for a consistent use; in accordance with the other Acts of Parliament; to comply with subpoenas; to the Attorney General for legal proceedings; to Federal Investigative Bodies; under agreement/arrangement with other governments; to members of Parliament helping individuals resolve a problem; to internal auditors or the Comptroller General; to the Public Archives; to researchers; to aboriginal peoples to settle land claims issues; and for purposes of locating an individual	ATIP Coordinator / Deputy Coordinator	OVO – Legal Advisor
8(5)	Notice of disclosure under paragraph 8(2)(*m*)	ATIP Coordinator / Deputy Coordinator	OVO – Legal Advisor
8(4); 9(1)	Retain copies and records	ATIP Coordinator / Deputy Coordinator	
9(4); 10	Notify Privacy Commissioner of consistent use and amend index of personal information banks	ATIP Coordinator / Deputy Coordinator	
14(*a*)	Give notices re: access to records within 30 days	ATIP Coordinator / Deputy Coordinator / Officer	OVO – Legal Advisor
15	Approve extension of time limits	ATIP Coordinator / Deputy Coordinator	OVO – Legal Advisor
17(2)	Language of access	ATIP Coordinator / Deputy Coordinator /Officer	OVO – Legal Advisor
19; 22; 23; 24; 25; 26; 27; 28	Approve exemptions	ATIP Coordinator / Deputy Coordinator	OVO – Legal Advisor
26; 27; 28	Approve exemptions	ATIP Officer	

31; 33(2); 35(1)(4); 36(3); 37(3); 51(2)(*b*)(3)	Receive and give notices during an investigation	ATIP Coordinator / Deputy Coordinator	OVO – Legal Advisor
72(1)	Prepare annual report to Parliament	ATIP Coordinator / Deputy Coordinator	

LEGEND

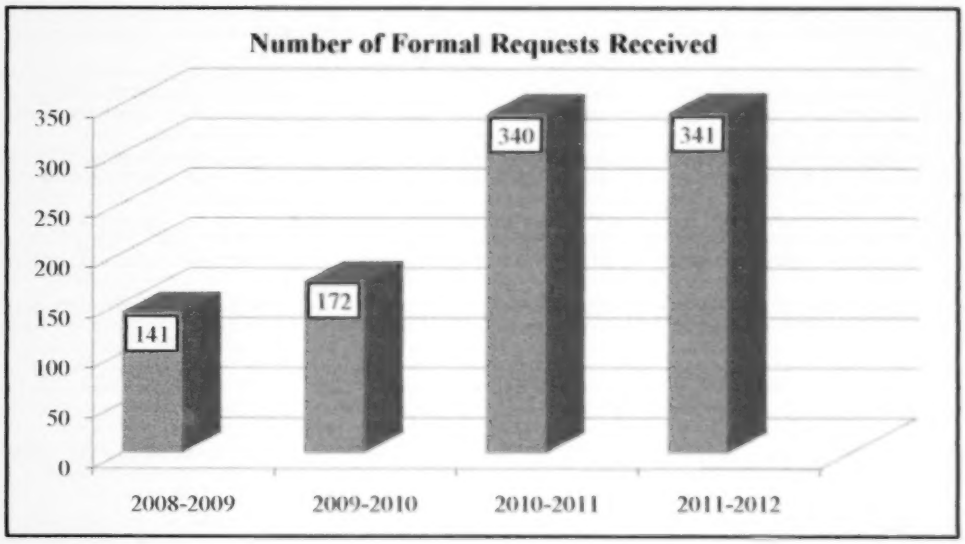
VAC: Veterans Affairs Canada
OVO: Office of the Veterans Ombudsman

5. INTERPRETATION OF THE STATISTICAL REPORT ON THE *PRIVACY ACT*

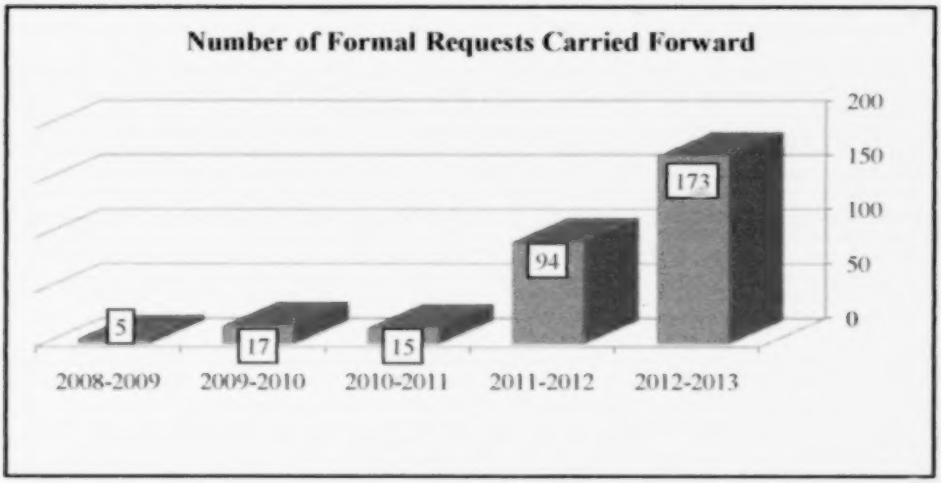
The Statistical Report on the *Privacy Act*, included in Annex 1, provides a summary of formal *Privacy Act* applications processed by VAC between April 1, 2011, and March 31, 2012. With the exception of requests received and requests carried over, the statistics presented below are for requests that were closed during the reporting period. The following narrative provides explanations and interpretations of the statistical data.

1 FORMAL REQUESTS UNDER THE *PRIVACY ACT*

Between April 1, 2011, and March 31, 2012, VAC received 341 formal requests for information under the *Privacy Act*. This represents an increase of one request (or 0.3 per cent) from the 2010-2011 fiscal year; a 98 per cent increase as compared to the 2009-2010 fiscal year; and a 142 per cent increase as compared to the 2008-2009 fiscal year.

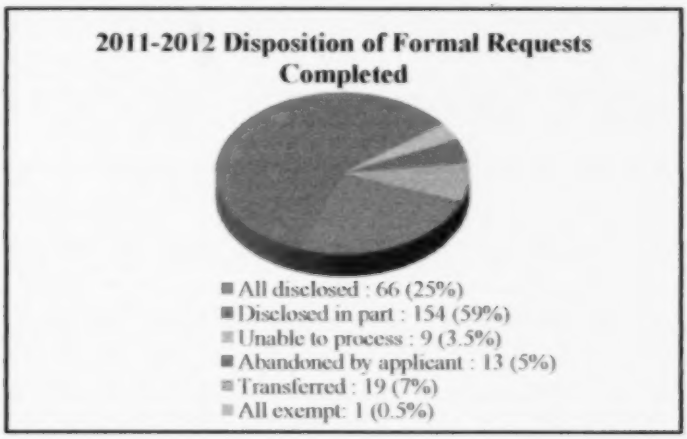


These 341 requests, combined with 94 outstanding requests from the previous period, totalled 435 requests requiring action in the 2011-2012 reporting period. This is a significant increase when compared to the previous reporting periods. At the end of 2009-2010, the ATIP office only carried forward 15 requests for a total of 355 requests requiring action for 2010-2011. At the end of the current reporting period, there are one hundred and seventy-three (173) outstanding formal requests that have been carried forward into the 2012-2013 fiscal year. As evidenced by these statistics, the number of requests carried forward illustrates the continued challenge that the Department is facing to address the initial increase in requests received since 2008-2009.



II DISPOSITION OF FORMAL REQUESTS COMPLETED

In total, 262 requests were completed during the reporting period. The disposition of the 262 requests completed in 2011-2012 is as follows:


2011-2012 Disposition of Formal Requests Completed
All disclosed : 66 (25%)
Disclosed in part : 154 (59%)
Unable to process : 9 (3.5%)
Abandoned by applicant : 13 (5%)
Transferred : 19 (7%)
All exempt: 1 (0.5%)

Requests where records did not exist were recorded in the "unable to process" category. The following chart compares the number of pages reviewed and released for formal requests during the past three reporting periods. Pages with portions of information released, but with exemptions applied, are counted under "pages released".

Period	2009-2010	2010-2011	2011-2012	Variance 2011-2012 over 2010-2011
Pages Reviewed	84,146	102,427	121,012	18%
Pages Released	65,266	88,823	85,221	-4%

Two-hundred and sixty-two (262) formal requests were completed over this fiscal year, as compared to 259 requests completed in the 2010-2011 fiscal year. This is a 1 per cent increase in requests completed. The number of pages reviewed over the three-year cycle continues to grow, as demonstrated in the table above.

As noted in the Statistical Report on the *Privacy Act* in Annex 1, approximately 20 percent of requests processed account for 83 percent of the total pages released during the reporting period. These statistics clearly identify that a small percentage of requests account for the bulk of the workload of the VAC ATIP Office. This raises concerns with respect to ensuring equitable treatment for all requestors, as a disproportionate amount of resources is required to process a small number of requests compared to the overall number of requests received. Large volume files demand considerable effort to process within the legislative timelines as the *Privacy Act* only provides for a maximum of 60 days to process privacy requests regardless of the volume or records to be reviewed. This results in more privacy requests being late, which in turn, increases the likelihood of complaints as described in section 13 of this report.

It is important to note that the Department has witnessed an increasing number of clients that are filing requests for personal information under the *Access to Information Act* (ATIA). Even with the efforts by the Department to clarify the purpose of both the ATIA and the *Privacy Act*, many requestors are opting to have their request processed under the ATIA or both. The increased use of ATIA for these purposes has required the Department devote some of its existing resources to processing such files. To reflect this activity, the Department has assigned a larger percentage of its resources to administering the ATIA, which has similar legislative time constraints. This accounts for the slight decrease in costs in administering the *Privacy Act* that is reported in subsection X "Costs" of this section of the report.

III EXEMPTIONS CITED

Although the government is accountable to the public for its actions, the need for confidentiality of certain information is recognized by specific exemptions found in the *Acts*. This section of the statistical interpretation identifies the number of requests where specific types of exemptions have been used.

VAC invoked 157 exemptions under sections 22, 26 and 27. This is an 8 per cent increase over the 2010-2011 reporting year. The most frequent exemption was section 26 which is used to protect information about another individual.

For statistical purposes, it is important to note that exemptions applied to a case multiple times, are counted only once per case.

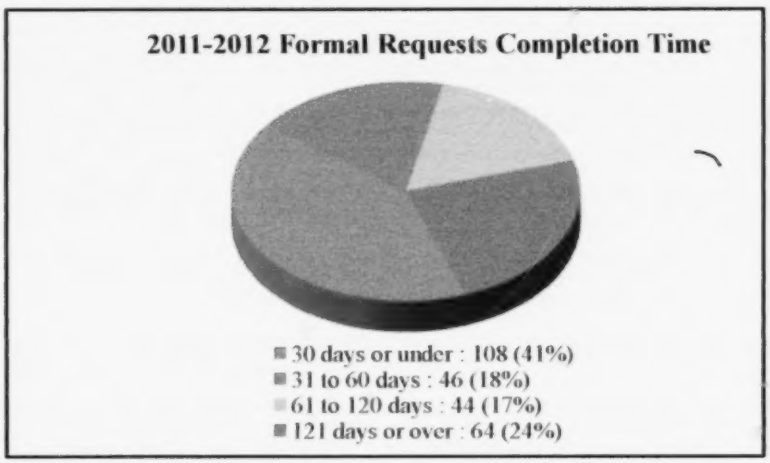
Exemptions Cited 2011-2012	Cases
Paragraph 22(1)(a)(*i*) (Law enforcement and investigation)	1
Section 26 (Information about another individual)	154
Section 27 (Solicitor-Client Privilege)	2
Total Exemptions Cited	**157**

IV EXCLUSIONS CITED

Pursuant to sections 69 and 70, the *Privacy Act* does not apply to published material, material available for purchase by the public, material placed in the Library and Archives of Canada or confidences of the Queen's Privy Council for Canada. During this reporting period, there were no exclusions to report.

V COMPLETION TIME

During the 2011-2012 reporting period, VAC completed 108 formal requests in 30 days or under, for a total of 41 per cent successfully completed within the legislated time frame. Forty-six (46) requests were completed within 31 to 60 days, 44 requests were completed within 61 to120 days, and 64 requests requiring additional time and effort were completed in 121 days or over.


2011-2012 Formal Requests Completion Time
30 days or under : 108 (41%)
31 to 60 days : 46 (18%)
61 to 120 days : 44 (17%)
121 days or over : 64 (24%)

As noted in section 2.6.1 of the Statistical Report on the *Privacy Act*, workload is identified as the principal reason for not meeting statutory deadlines. The increase in large volume requests is a growing trend that will continue to have an impact on the Department's ability to meet its legislative timelines. This trend is more pronounced with respect to privacy requests where the extensions can only be taken for a maximum of 60 days regardless of the volume of the request file.

VI EXTENSIONS

During the reporting period a total of three requests were extended. Of these, one was extended because the processing of the file within the original timelines would unjustifiably interfere with the operations of the government institution. The other two were for the purpose of consultation with other institutions.

VII TRANSLATIONS

There were no privacy requests requiring translation during the 2011-2012 reporting period.

VIII METHOD OF ACCESS

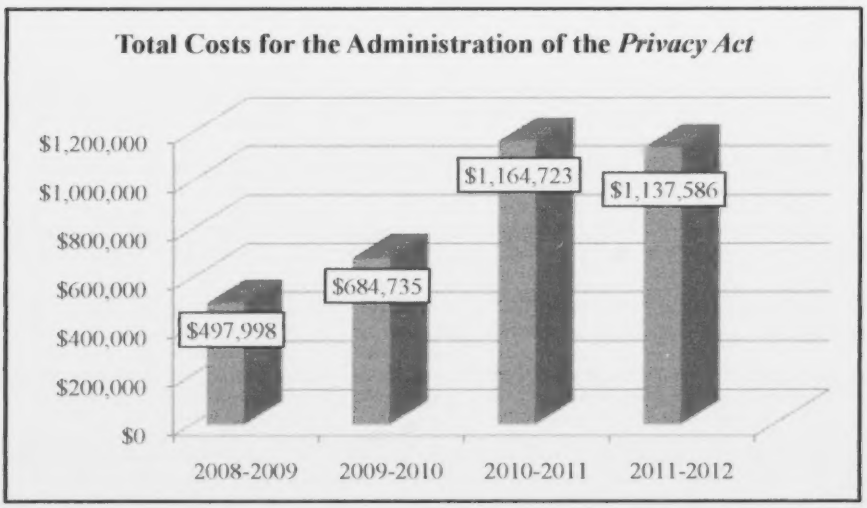
There are three methods of access whereby individuals may obtain the information they have requested. Requesters may receive copies of the material, examine the information during an arranged time or examine and receive copies of the information. Of the 262 formal requests completed, applicants received copies of the material they had requested fully or in part in 220 cases. In the remaining 42 cases, the requests were either abandoned by the applicant (13), transferred to another institution (19), could not be processed as records did not exist (9), or were not disclosed due to exemptions or exclusions (1).

IX CORRECTIONS AND NOTATIONS

Individuals are entitled to request correction and notation of their personal information where the individual believes there is an error or omission therein. No requests for corrections were received during the 2011-2012 reporting period.

X COSTS

VAC spent a total of $1,137,586 to administer the *Privacy Act* during the reporting period. Staff salaries accounted for $950,336 which is equivalent to approximately 15 full-time resources. Other administrative costs (representing operations and maintenance expenditures) amounted to $187,250.



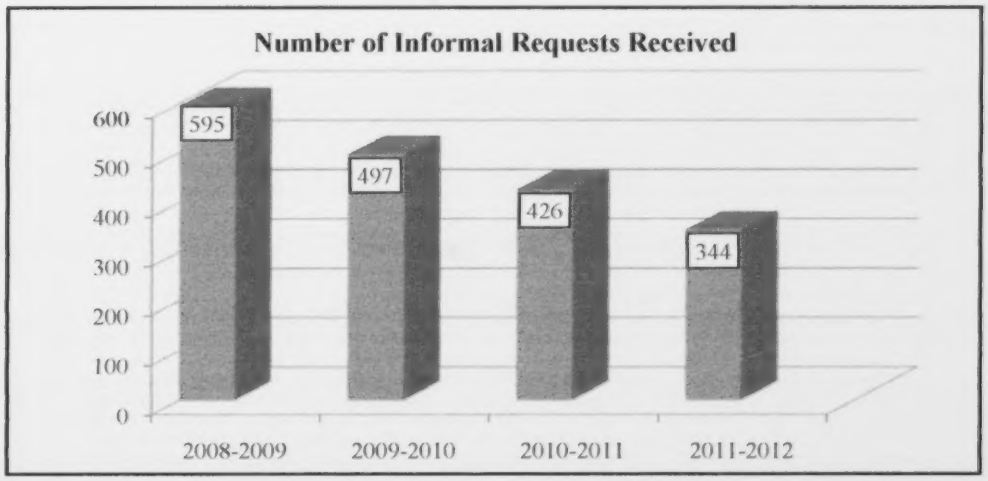
There has been a 2.3 per cent decrease in the total costs for the administration of the *Privacy Act* over the last reporting period, and a 66 per cent increase over the past four periods. As previously noted, this can in part be attributed to a larger percentage of resources assigned to administering the ATIA.

Note that the cost identified in the table are only related to costs directly related to the ATIP Office. The cost also include ATIP Office resources devoted to processing informal requests for personal information as outlined in the following section. They do not include time spent on requests in various program areas within the Department.

6. STATISTICAL SUMMARY FOR INFORMAL REQUESTS

I INFORMAL REQUESTS FOR PERSONAL INFORMATION

In keeping with its commitment to quality client service and transparency, the ATIP Coordinator's Office continued to process informal Privacy requests in 2011-2012. An informal request is one which does not invoke the right of access provided by the *Privacy Act*. Between April 1, 2011, and March 31, 2012, VAC received 344 informal requests for personal information. This represents a decrease of 82 requests (or 19 per cent) from the 2010-2011 fiscal year; a 31 per cent decrease as compared to the 2009-2010 fiscal year; and a 42 per cent decrease as compared to the 2008-2009 fiscal year. These 344 informal requests, combined with 44 outstanding requests from the 2010-2011 period totalled 388 requests requiring processing in 2011-2012.



One hundred and forty nine (149) outstanding informal requests have been carried forward into the 2012-2013 fiscal year.

II PAGES REVIEWED AND RELEASED FOR INFORMAL REQUESTS

The following chart compares pages reviewed and released for informal requests during the past three reporting periods.

Period	2009-2010	2010-2011	2011-2012	Variance 2011-2012 over 2010-2011
Pages Reviewed	81,395	95,404	56,454	-41%
Pages Released	44,827	55,223	17,943	-68%

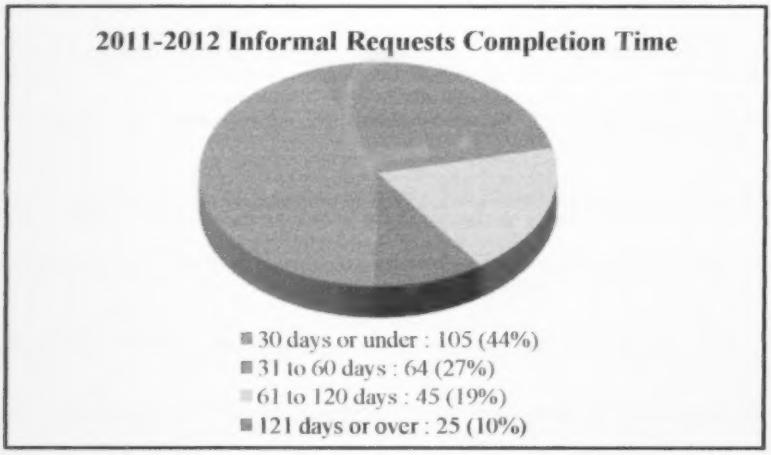
Two hundred and thirty-nine (239) informal requests were completed over this fiscal year, as compared to 455 requests completed in the 2010-2011 fiscal year. This is a 47 per cent decrease in informal requests completed. The decrease in pages reviewed and pages released are relatively proportionate to the decrease in volume of informal cases.

The overall workload trend in the unit is shifting from informal requests to formal requests, and as previously mentioned, an increasing number of clients are filing requests for personal information under the *Access to Information Act* (ATIA). The shift to formal requests has placed significant pressures on the staff to ensure the legislated timeframe is met when dealing with large volumes of records.

III COMPLETION TIME

During the 2011-2012 reporting period, VAC completed 105 informal requests in 30 days or under, 64 requests were completed within 31 to 60 days, 45 requests were completed in 61 to

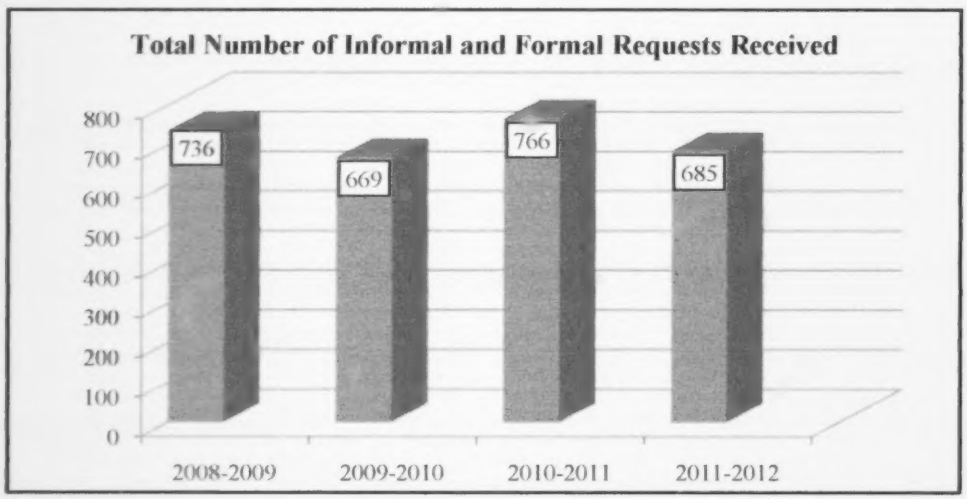
120 days, and 25 requests requiring additional time and effort were completed in 121 days or over.


2011-2012 Informal Requests Completion Time
30 days or under : 105 (44%)
31 to 60 days : 64 (27%)
61 to 120 days : 45 (19%)
121 days or over : 25 (10%)

The Department remains committed to informally process Privacy requests in a timely fashion while balancing the legislated requirements under the formal request process. There is no legislated time frame set for informal requests within the *Privacy Act*; however, one hundred and sixty-nine (169) informal requests of the 344 received were completed within 60 days. Informal requests are generally for a smaller volume of records and are less complex to process as they require minimal severance.

7. STATISTICAL OVERVIEW OF PRIVACY WORKLOAD

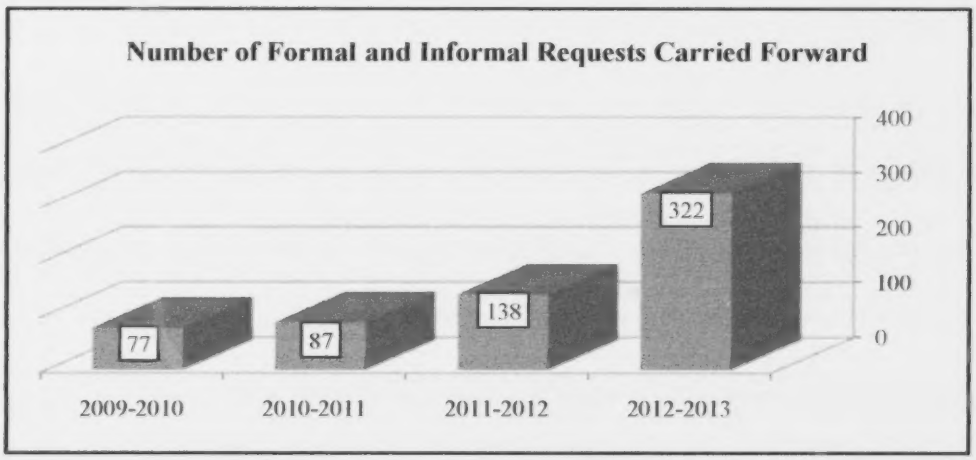
Between April 1, 2011, and March 31, 2012, VAC received 685 informal and formal requests for information under the *Privacy Act*.



The following chart compares pages reviewed and released for completed informal and formal requests during the past three reporting periods.

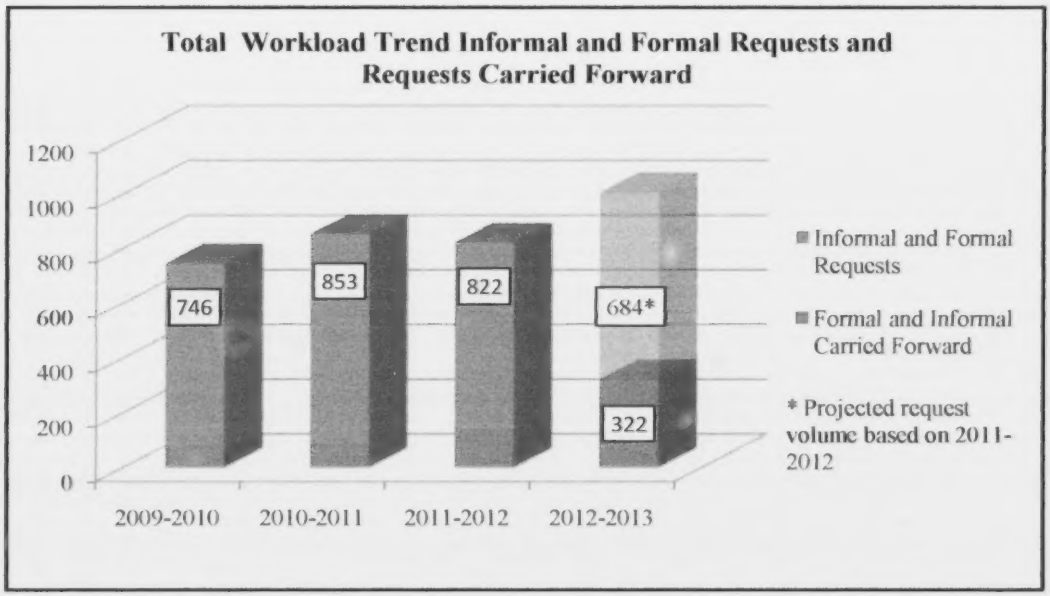
Period	2009-2010	2010-2011	2011-2012	Variance 2011-2012 over 2010-2011
Pages Reviewed	165,541	197,831	177,466	-10%
Pages Released	110,093	144,046	103,164	-28%

The following chart compares informal and formal requests that are carried forward for the past three reporting periods as well as the requests carried forward into fiscal year 2012-2013.



The above chart clearly demonstrates a dramatic increase in requests being carried forward from year to year. This is particularly pronounced in the number of informal and formal requests carried forward in fiscal year 2012-2013.

The following chart summarizes the total workload trend which includes completed informal requests, formal requests and all formal and informal requests that were carried forward.



The above chart identifies that while the number of informal and formal requests have general stabilized, the growing number of requests carried forward is resulting in increased overall workload for the office. The chart also identifies that this issue has been growing slowly over the past three years.

8. CONSULTATIONS

VAC received 5 requests for consultations from other departments during the 2011-2012 period. All consultations were completed within 30 days of receipt.

9. ATIP STRATEGY FOR ADDRESSING WORKLOAD

To address the current workload challenges, Veterans Affairs will be focussing on the following management strategies:

Maintain senior management oversight on workload and complaints

- The ATIP Office will work through existing governance committees within the Department to ensure that senior management is periodically briefed on progress in addressing workload. This includes ensuring that the ATIP Management Dashboard is up to date and regularly communicated to Senior Management Committee and Departmental Privacy Committee members.

Increase communication with requesters

- Increase efforts to clarify requests with requestors to outline the benefits of narrowing scope of requests to increase timeliness of responses. Also, the ATIP Office will work with requestors to examining whether the information sought can be prioritized thereby ensuring that the requester receives the most meaningful information first.

- Provide explanatory material where such material will clarify the personal information being received (in particular, when the personal information is outlined in reports that are generated by VAC electronic systems). This will reduce the requirement for follow up activities that can be time consuming for VAC ATIP resources.

Implement ATIP business process improvements

- Reduce the number of pages reviewed by eliminating duplicates and non-relevant records at the retrieval stage.

- Increase the processing consistency within the ATIP Office through use of documented processing expectations. This will ensure that extensions are consistently applied when appropriate and that files are consistently prioritized by officers.

- Increase follow up activities with various programs areas to ensure the timely retrieval of information that is responsive to requests.

Increase processing capacity

- The ATIP Office will examine increasing ATIP resources to address immediate compliance risks.

Increase awareness on privacy request processing

- The ATIP Office will deliver training activities related to clarifying roles and responsibilities in the request process. The sessions will focus on the request process specifically and will help to build on the Department's efforts to raise awareness of privacy practices.

In addition to the above strategies, Veterans Affairs Canada will create a small team to review the ongoing challenges faced by the ATIP Office and to recommend solutions.

10. PRIVACY TRAINING AND AWARENESS

Training

During the 2011-2012 fiscal year, Access to Information and Privacy (ATIP) related training was provided to over 233 staff at all levels in 25 sessions. Some training was aimed at addressing the

requirements of the 10-Point Privacy Action Plan and following through on recommendations made by the Office of the Privacy Commissioner in 2010. Other sessions continued to build on the comprehensive training that was provided in 2010-2011. This ensures that staff and managers understand their roles and responsibilities with respect to access to information and privacy, and information management. Since April 1, 2011, ATIP specialists have been involved in the delivery of the following sessions with a goal to enhance the knowledge, skills and perspectives of all employees, concerning ATIP, and Information Management.

- **Privacy Management Framework Training Videoconference Sessions for Management Teams**

  Training has been provided to management teams throughout the Department on the Privacy Management Framework tools that were developed and implemented to improve ATIP practices across the organization. There were 7 sessions delivered to more than 40 managers between June and July 2011.

- **Information Management at Work**

  This session includes a 90-minute presentation introducing main principles ATIP and information management, and the related requirements and responsibilities of staff. The goal is provide participants with a basic understanding of the topics and recognize when they should contact a specialist for assistance. These regularly scheduled presentations are also presented to work teams upon request.

  There were 7 sessions delivered to more than 65 participants within Head Office and in the Regional Offices between April and December 2011.

- **Management and Supervision Orientation Program (MSOP)**

  MSOP develops VAC specific knowledge and enhances skills in people and financial management. Participants acquire knowledge to effectively analyze situations and develop innovative solutions. ATIP is one component of this week-long training program. MSOP sessions were delivered in May and September, 2011, as well as in January 2012. The three sessions were delivered to approximately 45 new VAC managers and supervisors.

- **Student Sessions**

  Five sessions were delivered to summer students across the organization to advise them on their roles, responsibilities and requirements in relation to ATIP and Information Management. These sessions were delivered to 58 students over 5 sessions between June and July 2011.

- **Personal Information Bank (PIB) Training**

  This session was provided in March 2012 to 16 program area representatives who were involved with the extensive Personal Information Bank (PIB) review exercise that will lead to the updated 2012 VAC *Info Source Chapter*. The session introduced the universal privacy principles of collection, use and disclosure of personal information and focused

on explaining *Info Source*, with detailed information on PIBs and Class of Records, as well as legal authority and the obligations for accounting for personal information holdings.

- **Consent Session**

  In order to support upcoming changes to consent forms, the Privacy Unit is in the process of delivering a series of information sessions that covered privacy fundamentals, essential elements of privacy notices and consent, and the requirement of consent to program and services representatives. In fiscal year 2011-2012, this session was provided to 9 participants in March 2012. Additional sessions are expected in fiscal year 2012-2013.

Training within the Office of the Veterans Ombudsman

- During 2011-2012, the Office of the Veterans Ombudsman (OVO) delivered introductory Access to Information and Privacy Training to all OVO personnel in Ottawa, Ontario and Charlottetown, Prince Edward Island. The ATIP Unit within the Office of the Veterans Ombudsman also completed various introductory and detailed Access to Information and Privacy training sessions. There were 37 participants in total.

- During 2011-2012, the Office of the Veterans Ombudsman updated the Office's internal WIKI (available to all staff) to include information on Access to Information and Privacy, and the Office's internal processes and guidelines.

Awareness Activities

- From January 23 to January 27, 2012, ATIP Specialists promoted Data Privacy Day (January 28th, 2012) with a national poster campaign as well as an e-mail from the Chief Privacy Officer to all VAC staff. ATIP Liaison Officers played an important role in promoting Data Privacy Day.

- A fact sheet was developed for requestors to explain how client information is shared internally for making decisions and providing service.

- Following recommendations made by the Office of the Privacy Commissioner in October 2010, VAC kept all staff informed of the activities and changes underway in the Department through the use of a number of articles in newsletters with an aim to improve ATIP and IM practices. Subjects ranged from information about the Privacy Action Plan to recommendations for best practices related to ATIP and IM.

- The Duty to Assist Principles were posted to the VAC external website to support client awareness of the process for requesting personal information under the *Privacy Act*.

- VAC continues to work with the Treasury Board Secretariat (TBS) on updating Personal Information Banks (PIBs) and Classes of Records to ensure that the information holdings reported in *Info Source* are aligned with departmental programs and activities. VAC submitted and received Treasury Board approval on a total of 20 PIBs and one Class of

Record during 2011-2012. Awareness of the importance of identifying uses and disclosures for all activities and services continue to be raised with staff and when required with the Departmental Privacy Committee.

11. POLICIES AND GUIDELINES

Veterans Affairs Canada

In the 2011-2012 fiscal year, VAC's focus was placed on developing and communicating policies, guidelines and processes. VAC has also worked diligently on communications of new and available policies, guidelines, and processes.

The Privacy Management Framework was implemented in April 2011, which includes the following:

- VAC's Privacy Protection Infrastructure
- General Privacy Policy and Guidelines
- Privacy Impact Assessment Policy and Procedures
- Privacy Breach Policy
- Privacy Breach Guidelines
- Information Management Policy
- IM and Privacy Directive on E-mail
- VAC Guideline on Disclosure of Personal Information to the Minister
- VAC Guideline on Disclosure of Personal Information to MP's or Senators
- Information Management Best Practices
- Guidelines on Handling Personal Information in the Preparation of Briefing Materials
- Checklist for Business Processes with Privacy & Management Considerations
- Operational Directive: Personal Information as Supporting Documentation on Departmental Subject Records

In addition, the Duty to Assist Principles are inserted with every acknowledgement to requesters. This correspondence is sent for every request received by the ATIP office.

ATIP has been working closely with the Communications Division to identify effective methods of communicating and notifying staff of changes and requirements throughout the implementation of the 10-Point Privacy Action Plan. VAC continues to work closely with the Communications Division concerning the development of enhanced measures to protect and strengthen privacy.

Office of the Veterans Ombudsman

During 2011-2012, the Office of the Veterans Ombudsman developed and circulated Privacy-related Frequently Asked Questions (or FAQs) to all staff. The Office also circulated all internal processes and guidelines developed to all staff as well.

12. DESCRIPTION OF MAJOR CHANGES IMPLEMENTED

Veterans Affairs Canada

Departmental Privacy Committee

- In 2011, Veterans Affairs Canada created and implemented a Departmental Privacy Committee to make high level strategic decisions regarding privacy matters to ensure a coordinated and consistent privacy-compliant approach in all of VAC activities that have, or may have an impact on the privacy of individuals. In relation to the conduct of PIAs, the responsibilities of the Departmental Privacy Committee include:
  - supporting the Chief Privacy Officer (CPO) and the ATIP Coordinator in ensuring compliance with the Privacy policy;
  - approving decisions, based on the advice and recommendations of the Chief Privacy Officer and the ATIP Coordinator, which determine whether or not to proceed with a Privacy Impact Assessment (PIA);
  - reviewing and approving all Privacy Impact Assessments and Privacy Risk Management Plans;
  - providing management oversight for the implementation of the PIA Risk Management Plans and ensuring an objective resource for dispute resolution; and
  - approving the proposed schedules for the implementation of the accepted recommendations that result from the PIAs.
- The composition and membership of the committee, chaired by the ADM, Human Resources and Corporate Services Branch, includes Director General, Executive Director, and Director level representation. The committee now meets at least once a month or more frequently if required. Between April 2011 and March 2012 there were 10 Departmental Privacy Committee meetings for which there were a total of 68 agenda items for discussion and/or approval.
- The Departmental Privacy Committee has set out its Terms of Reference, which includes the mandate in that this committee plays a key role in privacy management at VAC, activities will ensure a corporate approach to effectively manage privacy in day-to-day operations, and will consider change initiatives. The members are accountable for the advice given at this committee and are expected to consult within their areas of responsibility on privacy issues and agenda items, and to debrief their areas on the results of each meeting. Each member is responsible to bring forward planned changes and initiatives for discussion by the Committee as a whole, to determine the level of associated privacy risk and the most appropriate course of action. Should an issue not be resolved at the Committee level, the CPO may choose to escalate the issue to the Deputy Minister.

ATIP Director

- Until September 2011, the ATIP Coordinator function was one of two roles under the leadership of the Director Information Management. The union of these two roles brought together specialists who manage and protect the Portfolio's information holdings. In September 2011, a new Director position was created to focus solely on *the Access to Information Act* and the *Privacy Act* to strengthen the management focus on both roles. The ATIP Coordinator reports directly to the Assistant Deputy Minister, Human Resources and Corporate Services Branch.

Review of ATIP Delegation Orders

- Also, during fiscal year 2011-2012, the Department initiated a review of the delegation orders under both the *Access to Information Act* and *Privacy Act*. It is expected that the revised delegation orders will permit greater coordination of all *Access to Information Act (ATIA)* and *Privacy Acts (PA)* requests across the Department. The review was undertaken with the Office of the Veterans Ombudsman (OVO).

Audit by the Office of the Privacy Commissioner

- During the 2011-2012 fiscal year, the Office of the Privacy Commissioner conducted an audit of the Department's privacy practices with a view to assessing whether the Department had adequate controls in place to protect privacy. It is anticipated that the results of the audit will be released in the coming fiscal year (2012-2013).

Process Improvements

- Finally, the Department introduced improvements to the retrieval process as well as to internal reporting on ATIP to enhance senior level awareness and accountability.

Office of the Veterans Ombudsman (OVO)

- During 2011-2012, the Office of the Veterans Ombudsman participated in consultation with the ATIP office to establish a Memorandum of Understanding related to *Access to Information Act* and *Privacy Act* roles and responsibilities, and to increase the Office of the Veterans Ombudsman's autonomy through modifications to the delegation instrument for Veterans Affairs Canada.

- Over this past year, the Office of the Veterans Ombudsman formed an ATIP Unit, developed a governance structure, and established roles and responsibilities in support of ATIP activities. The newly formed ATIP Unit developed high-level process documentation and internal processes and guidelines.

13. COMPLAINTS AND INVESTIGATIONS

- In 2011-2012, the Privacy Commissioner received 32 complaints against VAC and seven (7) complaints were carried over from 2010-2011 for a total of 39 complaints requiring attention. Twenty-three (23) complaints comprising 72 percent of the complaints received were from less than 5 individuals. This is similar to the situation being experienced with formal requests received where a small percentage of requests account for the bulk of the workload.

- Seventeen (17) complaints received a ruling during the period and twenty-two (22) have been carried over to 2012-2013.

- Of the complaints that received a ruling, three (3) complaints were discontinued or abandoned, four (4) were not well founded and ten (10) were well founded.

- As previously noted, while large volume requests account for a small portion of the overall requests received, they demand considerable effort to process within legislative timelines. As a result, the Department has experienced an increase in well founded complaints based on time limits. This is the case this year, as six of the ten well founded complaints are based on time limits. Increased complaints present a significant challenge for the ATIP office as resources must be devoted to coordinate the process with officials from the Privacy Commissioner on a priority basis.

14. PRIVACY IMPACT ASSESSMENTS (PIAS)

In accordance with the Treasury Board Secretariat's Directive on Privacy Impact Assessment, VAC conducts Privacy Impact Assessments (PIAs) on new programs, systems or policies, or when substantial modifications are made to an existing program, system or policy.

In May 2012, a new PIA process was implemented to assist staff with determining if a PIA should be considered. If it is determined that a PIA is required; the new process outlines the steps to follow and requirements for consultations. The process also outlines the approval process and notification to the Office of the Privacy Commissioner. No new PIAs were completed during the reporting period and as such none were reported to the Office of the Privacy Commissioner.

VAC has nevertheless undertaken a number of initiatives that were reviewed by the ATIP Coordinator and highlighted to the Departmental Privacy Committee. One such example is the Electronic Tracking for Veterans Independence Program initiative. Following a review of the initiative, it was determine that the project did not involve a new collection, use or disclosure of personal information.

VAC expects to report on a number of new PIAs in the next fiscal year as VAC has a number of different initiatives scheduled for implementation in 2012-2013. As of April 1, 2011, the Department initiated eight PIAs which are in various stages of completion and approvals.

Office of the Veterans Ombudsman

During 2011-2012, the Office of the Veterans Ombudsman was in the process of completing a Privacy Impact Assessment (PIA) to identify privacy risks association with the Office's operations. The PIA was conducted to support the Office's privacy-related responsibilities and to ensure that privacy is appropriately considered and designed into the Office's business processes.

There were areas of risk highlighted and categorized by probability of an adverse event and impact of an adverse event. The Office has developed a Risk Mitigation Action Plan to be implemented during 2012-2013. The PIA is expected to be approved and formally submitted to the Office of the Privacy Commissioner early in the fiscal year 2012-2013.

15. DISCLOSURES PURSUANT TO PARAGRAPH 8(2)(*m*)

There were no disclosures of personal information pursuant to paragraph 8(2)(*m*)(i) of the *Privacy Act* during the reporting period. This provides for disclosure for any purpose where, in the opinion of the head of the institution, the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure.

16. APPEALS TO THE COURTS

VAC has no appeals to the courts to report for the reporting period, April 1, 2011, to March 31, 2012.

Annex 1 – Statistical Report on the *Privacy Act*

Government of Canada / Gouvernement du Canada

Statistical Report on the *Privacy Act*

Name of institution: Veterans Affairs Canada

Reporting period: 2011/04/01 to 2012/03/31

PART 1 – Requests under the *Privacy Act*

	Number of Requests
Received during reporting period	341
Outstanding from previous reporting period	94
Total	435
Closed during reporting period	262
Carried over to next reporting period	173

PART 2 – Requests closed during the reporting period

2.1 Disposition and completion time

Disposition of requests	Completion Time							
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	Total
All disclosed	13	29	12	6	0	5	1	66
Disclosed in part	9	24	31	34	21	27	8	154
All exempted	0	1	0	0	0	0	0	1
All excluded	0	0	0	0	0	0	0	0
No records exist	17	6	3	1	0	1	0	28
Request abandoned	9	0	0	3	0	1	0	13
Total	48	60	46	44	21	34	9	262

2.2 Exemptions

Section	Number of requests	Section	Number of requests	Section	Number of requests
18(2)	0	22(1)(a)(i)	1	23(a)	0
19(1)(a)	0	22(1)(a)(ii)	0	23(b)	0
19(1)(b)	0	22(1)(a)(iii)	0	24(a)	0
19(1)(c)	0	22(1)(b)	0	24(b)	0
19(1)(d)	0	22(1)(c)	0	25	0
19(1)(e)	0	22(2)	0	26	154
19(1)(f)	0	22.1	0	27	2
20	0	22.2	0	28	0
21	0	22.3	0		

2.3 Exclusions

Section	Number of requests	Section	Number of requests	Section	Number of requests
69(1)(a)	0	70(1)(a)	0	70(1)(d)	0
69(1)(b)	0	70(1)(b)	0	70(1)(e)	0
69.1	0	70(1)(c)	0	70(1)(f)	0
				70.1	0

2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	63	3	0
Disclosed in part	145	9	0
Total	208	12	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Disposition of requests	Number of pages processed	Number of pages disclosed	Number of requests
All disclosed	8,552	4,679	66
Disclosed in part	111,106	80,542	154
All exempted	0	0	1
All excluded	0	0	0
Request abandoned	1,354	0	13

2.5.2 Relevant pages processed and disclosed by size of requests

	Less than 100 pages processed		101-500 pages processed		501-1000 pages processed		1001-5000 pages processed		More than 5000 pages processed	
Disposition	Number of Requests	Pages disclosed	Number of Requests	Pages disclosed	Number of Requests	Pages disclosed	Number of Requests	Pages disclosed	Number of Requests	Pages disclosed
All disclosed	58	824	6	1,497	1	905	1	1,453	0	0
Disclosed in part	64	2,228	40	10,008	19	13,411	31	54,895	0	0
All exempted	1	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Abandoned	11	0	1	0	0	0	1	0	0	0
Total	134	3052	47	11505	20	14316	33	56348	0	0

2.5.3 Other complexities

Disposition	Consultation required	Legal Advice Sought	Interwoven Information	Other	Total
All disclosed	2	1	0	0	3
Disclosed in part	25	4	0	0	29
All exempted	0	1	0	0	1
All excluded	0	0	0	0	0
Abandoned	0	2	0	0	2
Total	27	8	0	0	35

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadline

Number of requests closed past the statutory deadline	Principal Reason			
	Workload	External consultation	Internal consultation	Other
153	152	1	0	0

2.6.2 Number of days past deadline

Number of days past deadline	Number of requests past deadline where no extension was taken	Number of requests past deadline where an extension was taken	Total
1 to 15 days	27	2	29
16 to 30 days	17	0	17
31 to 60 days	20	0	20
61 to 120 days	31	0	31
121 to 180 days	25	0	25
181 to 365 days	24	0	24
More than 365 days	6	1	7
Total	150	3	153

2.7 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

PART 3 – Disclosures under subsection 8(2)

Paragraph 8(2)(e)	Paragraph 8(2)(m)	Total
0	0	0

PART 4 – Requests for correction of personal information and notations

	Number
Requests for correction received	0
Requests for correction accepted	0
Requests for correction refused	0
Notations attached	0

PART 5 – Extensions

5.1 Reasons for extensions and disposition of requests

Disposition of requests where an extension was taken	15(a)(i) Interference with operations	15(a)(ii) Consultation		15(b) Translation or conversion
		Section 70	Other	
All disclosed	0	0	0	0
Disclosed in part	0	0	3	0
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Total	0	0	3	0

5.2 Length of extensions

Length of extensions	15(a)(i) Interference with operations	15(a)(ii) Consultation		15(b) Translation purposes
		Section 70	Other	
1 to 15 days	0	0	0	0
16 to 30 days	0	0	3	0
Total	0	0	3	0

PART 6 – Consultations received from other institutions and organizations

6.1 Consultations received from other government institutions and organizations

Consultations	Other government institutions	Number of pages to review	Other organizations	Number of pages to review
Received during the reporting period	5	0	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	5	0	0	0
Closed during the reporting period	5	0	0	0
Pending at the end of the reporting period	0	0	0	0

6.2 Recommendations and completion time for consultations received from other government institutions

Recommendation	Number of days required to complete consultation requests							
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	than 365 days	Total
Disclose entirely	2	2	0	0	0	0	0	4
Disclose in part	0	1	0	0	0	0	0	1
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	2	3	0	0	0	0	0	5

6.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of days required to complete consultation requests							
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	than 365 days	Total
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

PART 7 – Completion time of consultations on Cabinet confidences

Number of days	Number of responses received	Number of responses received past deadline
1 to 15	0	0
16 to 30	0	0
31 to 60	0	0
61 to 120	0	0
121 to 180	0	0
181 to 365	0	0
More than 365	0	0
Total	0	0

PART 8 – Resources related to the *Privacy Act*

8.1 Costs

Expenditures		Amount
Salaries		$950,336
Overtime		$0
Goods and Services		$187,250
• Contracts for privacy impact assessments	$99,300	
• Professional services contracts	$8,500	
• Other	$79,450	
Total		**$1,137,586**

8.2 Human Resources

Resources	Dedicated full-time	Dedicated part-time	Total
Full-time employees	13.50	1.50	15.00
Part-time and casual employees	1.50	0.00	1.50
Regional staff	0.00	0.00	0.00
Consultants and agency personnel	0.00	0.04	0.04
Students	0.25	0.00	0.25
Total	15.25	1.54	16.79

Annex 2 – Four-Year Statistical Analysis

	2008-2009	2009-2010	2010-2011	2011-2012	Variance 2011-2012 over 2010-2011
Requests received	141	172	340	341	0.3%
Requests carried forward from prior year	5	17	15	94	527%
Total requests	146	189	355	435	23%
Completed requests	129	174	259	262	1%
Requests carried forward to next year	17	15	96	173	80%
Completed in 30 days or under	118	154	177	108	-39%
Completed in 31 days or over	10	20	82	154	88%
Exemptions invoked	81	125	170	157	-8%
Extensions	2	10	7	3	-57%
Total costs for the administration of the *Privacy Act*	$497,998	$684,735	$1,164,723	$1,137,586	-2.3%
Salaries	$466,780	$659,390	$1,130,058	$950,336	-16%
FTEs	8.70	10.14	13.71	16.79	22.5%
Administration costs (Operations and Maintenance)	$31,220	$25,345	$34,665	$187,250	440%
Informal requests received	595	497	498	344	-31%
Informal requests completed	534	422	455	239	-47%
Complaints received	5	3	9	32	256%
Complaints ruled on	4	5	4	17	325%
PIAs completed	1	6	0	0	0%
Translations	0	1	1	0	-100%

This publication can be made available upon request. For further information or to obtain additional copies please contact:

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